

43. The method of decorating and protecting a body part according to claim 42, wherein said non-slip pad is disposable after use.

44. The method of decorating and protecting a body part according to claim 41, wherein the decorative indicia is selected from an indicia group consisting of color, patterns, messages, trademarks, and advertisements.

45. The fashion wear of claim 4, wherein said flexible pad has a non-slip texture.

46. The fashion wear of claim 4, wherein said adhesive material is a non-skin irritating adhesive material.

#### **REMARKS**

In response to the Advisory Action mailed January 23, 2003, and the Office Action mailed October 29, 2002, each one of the cited references has been reviewed, and the rejections and objections made to the claims by the Examiner have been considered. The claims presently on file in the above-identified application are believed to be patentably distinguishable over the cited references, and therefore allowance of these claims is earnestly solicited.

In order to render the claims more clear and definite, and to emphasize the patentable novelty thereof, claims 1-3, 5, 7-8, and 12-20 have been amended, new claims 34-46 have been added and claims 6, 11, and 21-33 have been cancelled without prejudice.

**Allowed Claims**

Attorney for applicant gratefully acknowledges that the examiner has found that claims 4, 5, 9, and 10 are allowable over the prior art of record. Notwithstanding that such claims have been allowed, attorney for applicant has nevertheless amended claim 5 to make it more clear and definite. In this regard, the phrase "having top and bottom surfaces" was amended to --having a top surface and a bottom surface--. The amendment to claim 5 therefore does not change the scope of the claim and is only made to make the claim more clear and definite.

**New Claims**

New claims 34-46 are all dependent claims, which depend from various ones of the allowed claims, claims 4,5,9 and 10. New claims 34-46 do not introduce new matter and are fully supported by the specification as originally filed. Therefore new claims 34-46 are all in condition for immediate allowance and such action is earnestly requested.

Therefore, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested.

**Amended Claims**

The claim amendments presented in this response after a final rejection were not presented earlier as it was felt that the claims as pending earlier patentably distinguished over a Band-Aid as more fully argued in applicant's response of May 20, 2002, and November 21, 2002. However, since the examiner found that the proposed amendments to claims 21-23 introduced new issues that would require further consideration and/or search, attorney for applicant found it necessary to introduce the claim amendments now before the examiner. In this regard, the amendments to claims 1-3, 7-8, and 12-20 now presented are made to make each of these claims dependent from various one of the allowed claims, claims 4, 5, 9, and 10. Each of the amended claims 1-3, 7-8, and 12-20 are fully supported

by the specification as originally filed, do not introduce new matter, and thus, do not raise new issues nor do they require a new search on the part of the examiner. Accordingly amended claims 1-3, 7-8 and 12-20 are now in condition for immediate allowance and such action is earnestly requested.

#### **Election/Restriction**

In response to the election restriction, applicant affirms the election of Group A, claims 1-5, 7-10, and 12 drawn to a novelty fashion wear item and novelty kit. In this regard, applicant has canceled the non-elected species of Group B, and more particularly, applicant has canceled claims 6 and 11, drawn to a protective shell.

#### **Drawing Corrections**

The examiner in the Official Action dated August 1, 2002, had objected to the drawings. Responsive to this objection, attorney for applicant submitted with the Amendment filed September 30, 2002, a new set of formal drawings to be substituted for the informal drawings originally submitted. No acknowledgement was indicated by the examiner in the Official Action dated October 29, 2002, that such drawings were accepted. Attorney for applicant respectfully requests such acknowledgement from the examiner.

#### **Conclusion**

Attorney for Applicant has carefully reviewed each one of the cited references made of record and not relied upon, and believes that the claims presently on file in the subject application patentably distinguish thereover, either taken alone or in combination with one another.

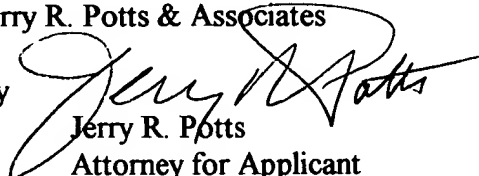
Therefore, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned Jerry R. Potts, Esq. at the below-listed telephone number.

Dated: February 5, 2003

Respectfully submitted,

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**VERSION WITH MARKING TO SHOW CHANGES MADE**

Claims 1-3, 5, 7-8, 12-20 have been amended as follows:

1. (Amended Twice) The novelty [fashion wear item of claim 21, further comprising:] kit according to claim 5, [a removable layer covering said adhesive material; and]

wherein said pad is sufficiently flexible to conform to the contoured shape of said body parts; and

wherein said body parts is selected from the group consisting of feet, hands, knees, elbows, shins, and parts thereof.

2. (Amended Thrice) The method of decorating ~~and protecting~~ a body part according to claim [22, further comprising the steps of:] 9, ~~wherein said step of providing decoration includes:~~

providing [a peelable film to cover and preserve said adhesive material until used; wherein the step of providing the lower surface with] ~~the bottom surface of said flexible pad with decorative indicia; and~~

~~wherein the step of providing the bottom surface of said flexible pad with decorative indicia includes:~~

selecting the indicia from at least one of the group comprising color, pattern, graphic design, text, advertising, relief design and texture

[wherein the step of providing a pad includes:

trimming said pad to a desired shape to apply to the contoured surface area of at least one body part selected from the group comprising feet, hands, knees, and elbows, and parts thereof;

peeling said film from said adhesive material; and

applying said pad to said selected body part].

3. (Amended Twice) The novelty [item] kit of claim [1] 4, wherein said adhesive material is a reusable adhesive material allowing said pad to be removably secured more than once.

5. (Amended Twice) A novelty kit for providing decorative and disposable fashion wear for body parts that also protects the decorated body parts from abrasion, comprising:  
a flexible, trimmable pad having a top ~~surface~~ and a bottom [surfaces] surface;  
an adhesive material on said top surface for removably securing said pad to a body part;

a decoration to be applied to said bottom surface;  
a removable layer covering said adhesive material; and  
material selected from cushioning, magnetic material, and gel disposed in said pad  
between said top surface and said bottom [surfaces] surface.

7. (Amended) The [protective attachment of claim 2] ~~method of decorating and protecting a body part according to claim 9,~~ wherein said flexible pad is divided into a first piece adapted to be removably adhered to a heel and a second piece adapted to be removably adhered to the metatarsal region and toes [of said foot].

8. (Amended Twice) The [invention] method of claim 2, wherein said step of providing [the upper] ~~said top~~ surface with an adhesive material includes providing [the upper] ~~said top~~ surface with a reusable adhesive material.

12. (Amended) The [invention] method of claim [2] 9, further comprising means for adapting said pad to apply to the feet of animal pets.

13. (Amended) The fashion wear of claim [1] 4, wherein the fashion wear is a shoe and said selected body part is the foot.

14. (Amended) The method of claim [2] 9, wherein the flexible pad is a substitute for a shoe and said selected body part is the foot.

15. The fashion wear of claim [1] 4, wherein the fashion wear is a glove and said selected body part is the hand.

16. (Amended) The method of claim [2] 9, wherein the flexible pad is a substitute for a glove and said selected body part is the hand.

17. The fashion wear of claim [1] 4, wherein the fashion wear is a knee pad and said selected body part is a knee.

18. (Amended) The method of claim [2] 9, wherein the flexible pad is a substitute for a knee pad and said selected body part is the knee.

19. The fashion wear of claim [1] 4, wherein the fashion wear is an elbow pad and said selected body part is an elbow.

20. (Amended) The method of claim [2] 9, wherein the flexible pad is a substitute for an elbow pad and said selected body part is an elbow.

Claims 6, 11 and 21-33 have been cancelled without prejudice.

New claims 34-46 have been added as follows:

34. (New) A method of decorating and protecting a body part, according to claim 9, wherein said step of furnishing a flexible pad having top and bottom surfaces includes:  
providing said flexible pad with a non-slip texture, said pad being sufficiently flexible to conform to a contoured surface area of said selected body part.

35. (New) A method of decorating and protecting a body part, according to claim 10, wherein said step of furnishing a flexible pad having top and bottom surfaces includes:  
providing said flexible pad with a non-slip texture, said pad being sufficiently flexible to conform to a contoured surface area of said selected body part.

36. (New) The method of decorating and protecting a body part according to claim 35, wherein said step of providing an adhesive on said top surface includes:  
providing a non-skin irritating adhesive material.

37. (New) The method of decorating and protecting a body part according to claim 35, wherein said pad has a sufficient thickness to protect said contoured surface area of said selected body part from abrasion when brought into engaging contact with a ground surface.

38. (New) The method of decorating and protecting a body part according to claim 37, wherein said pad is a pad of water resistant ethylene vinyl acetate having a thickness of about one sixteenth of an inch.

39. (New) The method of decorating and protecting a body part according to claim 35, wherein said adhesive is acrylate polyurethane tape having about a 1.2 mil thickness with a layer of skin-compatible adhesive on one of its surfaces for facilitating removably securing said pad to said selected body part.

40. (New) The method of decorating and protecting a body part according to claim 10, wherein said decoration is decorative indicia screen printed on said pad.

41. (New) The method of decorating and protecting a body part according to claim 38 wherein said decoration is decorative indicia; and

wherein said decorative indicia is screen printed on said pad of ethylene vinyl acetate.

42. (New) The method of decorating and protecting a body part according to claim 9, wherein said pad is a non-slip pad; and

wherein said non-slip pad is selected from a group of materials consisting of rubber, fabric, paper, plastic, synthetic materials, leather, and polyurethane foam.

43. (New) The method of decorating and protecting a body part according to claim 42, wherein said non-slip pad is disposable after use.

44. (New) The method of decorating and protecting a body part according to claim 41, wherein the decorative indicia is selected from an indicia group consisting of color, patterns, messages, trademarks, and advertisements.



45. (New) The fashion wear of claim 4, wherein said flexible pad has a non-slip texture.

46. (New) The fashion wear of claim 4, wherein said adhesive material is a non-skin irritating adhesive material.